

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

SHANNON STURGIS,

Plaintiff,

v.

MARTIN O'MALLEY,<sup>1</sup>

Acting Commissioner of Social Security,

Defendant.

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CIVIL NO. 3:20-cv-00273-RJC-SCR

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**ORDER**

**THIS MATTER** comes before the Court on “Plaintiff’s Motion for Attorney’s Fees Under the Social Security Act 42 U.S.C. § 406(b)” (“the “Motion”). (Doc. No. 22). In the Motion, Plaintiff’s counsel contends that he is entitled to attorney’s fees in the amount of \$19,600.25, which represents 25% of Plaintiff’s accrued back benefits, to be paid from Plaintiff’s back benefits pursuant to Section 406(b) of the Social Security Act. 42 U.S.C. § 406(b).<sup>2</sup> Defendant takes no position on the Motion. (Doc. No. 25).

The Court has reviewed Plaintiff’s Motion and supporting exhibits, along with Defendant’s Response, and finds that Plaintiff has established that he is entitled to attorney’s fees pursuant to 42 U.S.C. § 406(b), and that the amount requested is reasonable for the reasons outlined in Plaintiff’s Motion.

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<sup>1</sup> Martin O’Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O’Malley should be substituted for Kilolo Kijakazi as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

<sup>2</sup> For cases involving Title XVI benefits, see 42 U.S.C. § 1383(d)(2)(B).

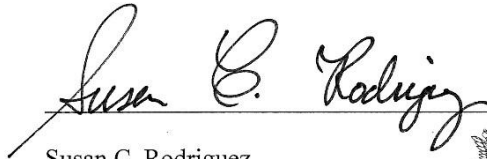
On July 9, 2021, the Court awarded Plaintiff \$7,000.00 in attorney's fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. (Doc. No. 21).

**IT IS, THEREFORE, ORDERED** that "Plaintiff's Motion for Attorney's Fees Under § 406(b) of the Social Security Act" (Doc. No. 22) is **GRANTED**.

The Commissioner of Social Security is hereby **ORDERED** to pay to Plaintiff's counsel the sum of \$19,600.25 from Plaintiff's back benefits and Plaintiff's counsel shall refund the \$7,000.00 EAJA fee to Plaintiff.

**SO ORDERED.**

Signed: December 27, 2023

  
Susan C. Rodriguez  
United States Magistrate Judge

